

AZERBAIJAN

International Religious Freedom Report 2005

The Constitution provides that persons of all faiths may choose and practice their religion without restrictions; however, there were some abuses and restrictions.

There was no change in the status of respect for religious freedom during the period covered by this report. Some religious groups reported delays in and denials of registration and limitations upon their ability to import religious literature. Others have indicated that they either received or expect to receive their registration, they are able to import religious literature, and they meet without government interference. However, local authorities occasionally monitor religious services, and officials at times harassed nontraditional religious groups.

The generally amicable relationship among religions in society contributed to religious freedom; however, there is popular prejudice against Muslims who convert to non-Islamic faiths and hostility towards groups that proselytize, particularly evangelical Christian and missionary groups.

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. The Embassy is engaged actively in monitoring religious freedom and maintains contact with the Government and a wide range of religious groups.

Section I. Religious Demography

According to official figures, the country has a total area of 33,774 square miles, and its population is approximately 8 million. There are no reliable statistics on memberships in various faiths; however, according to official figures approximately 96 percent of the population is Muslim. The rest of the population adheres to other faiths or consists of nonbelievers. Among the Muslim majority, religious observance is relatively low and Muslim identity tends to be based more on culture and ethnicity rather than religion. The Muslim population is approximately 70 percent Shi'a and 30 percent Sunni; differences traditionally have not been defined sharply.

The vast majority of the country's Christians are Russian Orthodox whose identity, like that of Muslims, tends to be based as much on culture and ethnicity as religion.

Christians are concentrated in the urban areas of Baku and Sumgayit. Most of the country's Jews belong to one of two groups: the "Mountain Jews," descendents of Jews who sought refuge in the northern part of the country more than 2,000 years ago, and a smaller group of "Ashkenazi" Jews, descendents of European Jews who migrated to the country during Russian and Soviet rule.

These four groups (Shi'a, Sunni, Russian Orthodoxy, and Jews) are considered traditional religious groups. There also have been small congregations of Evangelical Lutherans, Roman Catholics, Baptists, Molokans (Russian Orthodox Old-Believers), Seventh-day Adventists, and Baha'is in the country for more than 100 years. In the last 10 years, a number of new religious groups considered foreign or nontraditional have been established, including "Wahhabi" Muslims, Pentecostal and evangelical Christians, Jehovah's Witnesses, and Hare Krishnas.

There are fairly sizeable expatriate Christian and Muslim communities in the capital city of Baku; authorities generally permit these groups to worship freely.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides that persons of all faiths may choose and practice their religion without restriction; however, there were some abuses and restrictions. Under the Constitution, each person has the right to choose and change his or her own religious affiliation and belief including atheism, to join or form the religious group of his or her choice, and to practice his or her religion. The Law on Religious Freedom (which is entitled, "On Freedom of Religious Beliefs") expressly prohibits the Government from interfering in the religious activities of any individual or group; however, there are exceptions, including cases where the activity of a religious group "threatens public order and stability."

A number of legal provisions enable the Government to regulate religious groups, including a requirement in the Law on Religious Freedom that religious organizations be registered by the Government. The State Committee for Work with Religious Associations (SCWRA), which replaced the Department of Religious Affairs in June 2001, assumed responsibility for the registration of religious groups from the Ministry of Justice (MOJ). Government authorities gave the SCWRA and its chairman, broad powers over registration; control over the publication, import, and distribution of religious literature; and the ability to suspend the activities of religious groups violating the law. In addition, Muslim

religious groups must receive a letter of approval from the Caucasus Muslim Board (CMB) before they can be registered by the SCWRA .

Registration enables a religious organization to maintain a bank account, rent property, and generally act as a legal entity. Unregistered organizations are exposed to allegations that they are illegal and find it difficult, but not impossible, to function. The Baku City Government has attempted to use registration as a requirement to occupy religious buildings registered as historic landmarks. Unregistered groups were more vulnerable to attacks and closures by local authorities. In 2001, religious groups were called upon to re-register with the SCWRA; however, the registration process is burdensome, and there are frequent, lengthy delays in obtaining registration.

To register, religious groups must complete a seven-step application process that is arbitrary and restrictive. One of the primary complaints concerns the requirement to indicate a "religious center," which requires additional approval by appropriate government authorities if the "center" is located outside the country. Board members also are required to provide their place of employment. Many groups have reported that SCWRA employees charged with handling registration-related paperwork repeatedly argued over the language in statutes and also instructed some groups on how to organize themselves. Religious groups are permitted to appeal registration denials to the courts. However, appellate court records for the period of this report cannot verify whether any appeals were adjudicated.

During the period covered by this report, the Government registered 63 religious groups. Since the call for re-registration, 320 groups have successfully registered, compared with 406 that were registered under the previous law. The majority of the registered groups were Muslim. The SCWRA estimates that 2,000 religious groups are in operation; many have not filed for registration or re-registration. The Muslim Juma Mosque community refuses to submit a complete re-registration package amid concern that provisions of the re-registration process would invite government interference in its ability to worship freely. The community argues that its 1993 registration should remain valid. One of the minority religious communities that has faced re-registration problems is the Baptist denomination. Of its five main churches, three have successfully re-registered; however, Baptist churches in Aliabad and Neftchala remain unregistered.

Under the Law on Religious Freedom political parties cannot engage in religious activity, and religious leaders are forbidden from seeking public office. Religious facilities may not be used for political purposes.

The Law on Religious Freedom, which the Government enforces, prohibits foreigners from proselytizing. On April 24, 2005, police authorities seized the religious literature of Jehovah's Witnesses in Baku on these grounds. The law permits the production and dissemination of religious literature with the approval of the SCWRA; however, the authorities also appeared to selectively restrict individuals from importing and distributing religious materials. The procedure for obtaining permission to import religious literature remains burdensome, but religious organizations report that it is becoming more regular and that the SCWRA appears to be handling requests more effectively.

Registered Muslim organizations are subordinate to the Caucasus Muslim Board (CMB), a Soviet-era Muftiate, which appoints Muslim clerics to mosques, periodically monitors sermons, and organizes annual pilgrimages to Mecca for the Hajj. Although it remains the first point of control for Muslim groups wanting to register with the SCWRA according to the Law on Religious Freedom, it also has been subject to interference by the SCWRA, which has attempted to share control with the CMB over the appointment and certification of clerics and internal financial control of the country's mosques. Some Muslim religious leaders object to interference from both the CMB and SCWRA.

Religious instruction is not mandatory in public schools. State education is separate from religion, but there is no restriction on teaching religion in schools.

Restrictions on Religious Freedom

The Government restricted some religious freedoms during the period covered by this report. The SCWRA continued to delay or deny registration to a number of Protestant Christian groups, including two Baptist churches. At the end of the period covered by this report, the SCWRA had registered more than three-quarters of the number of religious communities previously registered. Some groups reported that SCWRA employees tried to interfere in the internal workings of their organizations during the registration process.

In addition, the Justice Ministry denied registration to a religious nongovernmental organization (NGO), the Azerbaijan Centre for Religion and Democracy. Human rights activists allege that the ministry denied the registration of this group because of its criticism of the official religious structures and to obstruct its activities.

Although unregistered religious groups continued to function, some, such as Adventists, Jehovah's Witnesses, and Baptists, reported official harassment, including break-ups of religious services and police intimidation, fines, and occasional beatings of worshippers by police. This harassment and restriction of religious freedom resulted in an atmosphere of fear among some non-traditional religious groups.

Members of Jehovah's Witnesses reported that authorities regularly interfered with their ability to rent public halls for religious assemblies and, on occasion, fined or detained and beat individuals for meeting in private homes. For example, on June 12, police raided a gathering of approximately 200 Jehovah's Witnesses in Baku, detaining 29 members of the group and then releasing them after several hours in police custody. Local television stations have also at times been involved in capturing "raids" of religious meetings on film to document for "exposes" of religious groups.

Police also reportedly harassed and occasionally raided the meetings of other religious minorities including Seventh day Adventists in Ganja in November 2004.

The ethnic Azeri "Love" Baptist church reports that it continues to conduct religious services in partnership with its lawfully registered sister church, the Russian "Love" Baptist church, despite the SCWRA's continued denial of the Azeri group's application for registration; the SCWRA denied the church's most recent application in February 2004.

In 2003 in Nakhchivan, the authorities prevented the Adventist congregation from worshipping together after the closure of its prayer room.

In January 2004, authorities ordered the Juma Mosque congregation in Baku to vacate its premises. The congregation, which registered with the MOJ in 1993, refused to re-register with the SCWRA amid concerns that the new process might allow the Government to interfere with its practices. After protracted litigation in the district and appellate courts the mosque was turned over to the Icheri Sheher Historical and Architectural National Reserve. In June 2004, MOJ officials and police evicted the Juma Mosque community from its premises.

The Caucasus Muslim Board appointed a new religious leader to replace Ilgar Ibrahimoglu, the mosque's imam. The mosque initially remained open for worship with the new imam leading prayers. In July 2004, authorities closed the building, claiming that it needed renovation. The following day, approximately 30 members

of the Juma Mosque community started afternoon prayers on the steps of the mosque. Police used excessive force in arresting five worshippers. In July 2004, police detained 26 members of the Juma Mosque community, including Ibrahimoglu, who had gathered at a private home for funeral rites. They were released several hours later. In August 2004, the Supreme Court upheld the decision to evict the Juma Mosque community from the historic mosque. As of June 30, 2005, the mosque remained closed and the members were worshipping in other venues.

Government officials cited the political activity of Ibrahimoglu as one reason for seeking the eviction of the Juma Mosque community from its current location. Ibrahimoglu and the leadership of the community joined opposition political party leader Isa Gambar's 2003 election movement, and Ibrahimoglu urged the Juma worshippers to vote against the current Government.

In April 2004, following a flawed trial, a court convicted Ibrahimoglu of participating in post-election demonstrations in October 2003, and sentenced him to a 5-year suspended sentence after he had spent four months in pretrial detention. Since his conviction, Ibrahimoglu has not been allowed to travel outside the country, including to several meetings of the UN and the Organization for Security and Cooperation in Europe where he was to be an official NGO participant. The government prevented his travel because the law prohibits citizens convicted of criminal offenses and with suspended sentences from traveling abroad.

On June 30, 2005, the 1-year anniversary of the Juma community's eviction from the mosque, police briefly detained and released Ibrahimoglu for leading a group of worshippers into the Juma Mosque to conduct prayers, although the mosque remained officially closed. He and approximately 30 members of the Juma Mosque community also participated in demonstrations earlier in the day in front of the SCWRA.

Local law enforcement authorities occasionally monitor religious services, and some observant Christians and Muslims are penalized for their religious affiliations. The Law on Religious Freedom expressly prohibits religious proselytizing by foreigners, and this is enforced strictly. Government authorities have deported several Iranian and other foreign clerics operating independently of the organized Muslim community for alleged violations of the law. The Government is concerned about Islamic missionary groups (predominately Iranian and Wahhabis) that operate in the country, whose activities have been restricted in

recent years. On May 8, 2005, the Government closed a Saudi Arabian-sponsored Sunni mosque in the city of Sumgayit.

Some religious groups continued to report some restrictions and delays in the import of religious literature by some government ministries, although the SCWRA has also facilitated the import of such literature. While permitting their import, the SCWRA arbitrarily limited the number of copies of a Jehovah's Witness publication allowed entry. The Baptist Union reports that, during the period covered by this report, the SCWRA also restricted the quantity of religious books allowed to enter after granting import permission.

The Government regulates travel for the purpose of religious training. One needs to obtain permission from or register with the SCWRA or the Ministry of Education in order to go abroad for religious studies.

No religious identification is required in passports or other identity documents. In 1999, a court decided in favor of a group of Muslim women who sued for the right to wear headscarves in passport photos; however, the Center for Protection of Conscience and Religious Persuasion Freedom (DEVAMM) reports that authorities still prohibit Muslim women from wearing headscarves in passport photos. In December 2004, a group of women appealed to the European Court of Human Rights to protest the ban.

Some local officials continued to discourage Muslim women from wearing headscarves in schools. However, in June 2005, a court in Sumgayit upheld a school teacher's right to wear a headscarf while teaching and ordered the school to pay her back wages for the two months she was not allowed to teach.

Following months of repeated refusals, local officials in the Zaqatala region finally issued a birth certificate to Baptist parents who wished to give their son a Christian name. Members of the ethnic Georgian minority reported that difficulty in registering children with non-Azeri names is particularly acute in this region.

On February 4, 2005, the Supreme Court ruled that a member of a religious minority must fulfill compulsory military service despite his Constitutional entitlement to alternative military service because of his religious beliefs. After seven months of litigation in the lower courts, the Supreme Court held that while Azerbaijan remained in a "state of war" with Armenia, the military's service requirement superseded the individual's alternative service right. The Court further agreed with the military's argument that absent implementing regulations, the

military was not obligated to provide any alternative service option. The individual and his family subsequently left the country.

Press reports indicate that in the breakaway Nagorno-Karabakh region, a predominantly ethnic Armenian area over which the authorities have no control, the Armenian Apostolic Church enjoys a special status. The largely Muslim ethnic Azeri population in Nagorno-Karabakh and the seven occupied territories, which fled the region during the conflict with Armenia in the 1990s, has not been able to return to these areas.

Abuses of Religious Freedom

Sporadic violations of religious freedom by some officials continued. In many instances, abuses reflected the popular antipathy towards ethnic Azeri converts to non-Russian Orthodox Christianity and other nontraditional religions.

In mid-March, the head of the CMB appeared in a television expose describing non-traditional religious groups as subversive sects. The chairman of the SCWRA spoke on television in recent months claiming that Adventists used financial bribes to recruit new adherents. The Adventists have denied the accusations.

Non-traditional religious groups face particularly acute problems operating in remote regions of Azerbaijan, including the exclave of Nakhchivan. For example, in December 2004, the leader of the small Baha'i community in Nakhchivan was briefly detained and released, reportedly because of his religious activity and teachings.

Government authorities took various actions to restrict what they claimed were political and terrorist activities by Iranian and other clerics operating independently of the organized Muslim community. The Government has outlawed several Islamic humanitarian organizations because of credible reports about connections to terrorist activities. The Government also deported foreign Muslim clerics it suspected of engaging in political activities. There also were reports that the Government harassed Muslim groups due to security concerns. For example, the Human Rights Resource Center in Khachmaz reported that Wahhabis in Khachmaz were harassed because the authorities suspected that all Wahhabists have links to terrorism.

Members of the Juma Mosque community alleged that they were kicked as police entered during morning prayers in June 2004. In addition, the CMB appointed a

new akhund (or imam) to replace Ibrahimoglu. Some worshippers reacted with anger to news of the appointment. The mosque originally remained open for worship with the new imam leading prayers. In July 2004, authorities closed the building for renovation. The following day approximately 30 members of the Juma Mosque community started afternoon prayers on the steps of the mosque. Police used excessive force in arresting five worshippers who were released several hours later. The mosque remained closed for renovation.

Jehovah's Witnesses reported that authorities occasionally fined or detained and beat individuals for meeting in private homes.

There were no reports of religious prisoners or detainees. In the northern city of Khachmaz, community members reported that on several occasions police harassed and detained some Muslims who had disrupted public order. The police allegedly shaved the detainee's beards; however, police officials denied detaining anyone for religious reasons.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Abuses by Terrorist Organizations

There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.

Improvements in Respect for Religious Freedom

Some religious groups in the country report improvements in their ability to function freely. Several churches have indicated that they either received or expect to receive their registration, they were able to import religious literature, and they met without government interference.

When minority religious communities outside of Baku reported that local authorities illegally denied their registration, the SCWRA intervened on their behalf and rectified the situation. In previous years, the SCWRA had taken a particularly strict approach to the registration of minority religious communities and had failed to prevent local authorities from banning such communities.

During the reporting period, the Government worked actively to promote inter-faith understanding. SCWRA convened leaders of various religious communities on several occasions to resolve disputes in private and has provided forums for visiting officials to discuss religious issues with religious figures. In the past year the SCWRA has organized ten seminars, one conference, and seven regional meetings on religious freedom and tolerance.

Section III. Societal Attitudes

The generally amicable relationship among religions in society contributed to religious freedom; however, there is popular prejudice against Muslims who convert to non-Islamic faiths and hostility towards groups that proselytize, particularly evangelical Christian and missionary groups. This has been accentuated by the unresolved conflict with Armenia over Nagorno-Karabakh.

During the period covered by this report, newspapers and television broadcasts depicted small, vulnerable religious groups as a threat to the identity of the nation and undermining the country's traditions of interfaith harmony, which led to local harassment. In addition, the head of the SCWRA has made remarks at times during these broadcasts, which contributed to the climate of hostility these broadcasts generate.

During the reporting period, articles critical of Wahhabism and Christian missionaries appeared in many newspapers and one television channel aired "exposes" of Christian church services. Religious proselytizing by foreigners is against the law, and there is vocal opposition to it.

Hostility also exists toward foreign (mostly Iranian and Wahhabist) Muslim missionary activity, which partly is viewed as seeking to spread political Islam and therefore as a threat to stability and peace. The media targeted some Muslim communities that the Government claimed were involved in illegal activities.

Hostility between Armenians and Azeris, intensified by the unresolved conflict over Nagorno-Karabakh, remains strong. In those portions of the country controlled by Armenians, all ethnic Azeris have fled and those mosques that have not been destroyed are not functioning. Animosity toward ethnic Armenians elsewhere in the country forced most of them to depart between 1988 and 1990, and all Armenian churches, many of which were damaged in ethnic riots that took place more than a decade ago, remain closed. As a consequence, the estimated

10,000 to 30,000 ethnic Armenians who remained are unable to attend services in their traditional places of worship.

There were few cases of prejudice and discrimination against Jews in the country, and in the few instances of anti-Semitic activity, the Government was quick to respond. Jewish community leaders consistently remarked on the positive relationship they have with the Government and leaders of other religious communities. In July 2004, a new Jewish community center was opened in Baku with high-level government participation. Authorities also reserved one wing of a Baku school for secular and religious classes for 200 Jewish students.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. During the period covered by this report, Embassy Officers conveyed U.S. concerns about the registration process and the overall attitude towards non-traditional religious groups to the Chairman of the SCWRA, and expressed concerns about the Government's commitment to religious freedom with others in the Government and publicly in the press. The Embassy also repeatedly expressed objections to the censorship of religious literature. The Embassy also closely monitored the court case against the Juma Mosque Community and met with government and religious leaders to urge them to respect religious freedom. In October 2004, a staff member of the Office of International Religious Freedom visited Baku and advocated respect for religious freedom in meetings with an official from the CMB and senior Government officials in the President's executive office and the SCWRA.

The Ambassador and Embassy officers maintain close contacts with leading Muslim, Russian Orthodox, and Jewish religious officials, and regularly meet with members of non-official religious groups in order to monitor religious freedom. The Ambassador and Embassy officers also maintain close contact with NGOs that address issues of religious freedom.

In November 2004, the Ambassador hosted two Iftars during Ramadan for leaders of the country's major religious communities.